

House File 252

HOUSE FILE _____
BY BOAL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the dates of special elections on public
2 measures of certain political subdivisions and providing an
3 applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1474HH 82
6 sc/es/88

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1 1 Section 1. Section 39.2, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Unless otherwise provided by law
1 4 special elections on public measures are limited to the
1 5 following dates:
1 6 a. For a county, on the day of the general election or the
1 7 second Tuesday in March of each year.
1 8 b. For a city, on the day of the general election, the
1 9 regular city election, or the second Tuesday in March of each
1 10 year.
1 11 c. For a school district or merged area, on the day of the
1 12 regular school election.
1 13 Sec. 2. Section 47.6, subsection 1, unnumbered paragraph
1 14 1, Code 2007, is amended to read as follows:
1 15 The governing body of ~~any~~ a political subdivision which has
1 16 authorized a special election to which section 39.2 ~~is,~~
1 17 ~~subsections 1, 2, and 3, are applicable shall by written~~
1 18 notice inform the commissioner who will be responsible for
1 19 conducting the election of the proposed date of the special
1 20 election. If a public measure will appear on the ballot at
1 21 the special election the governing body shall submit the
1 22 complete text of the public measure to the commissioner with
1 23 the notice of the proposed date of the special election.
1 24 Sec. 3. Section 47.6, Code 2007, is amended by adding the
1 25 following new subsection:
1 26 NEW SUBSECTION. 3. A city council or a county board of
1 27 supervisors that has authorized a public measure to be
1 28 submitted to the voters at a special election held pursuant to
1 29 section 39.2, subsection 4, shall file the full text of the
1 30 public measure with the commissioner no later than five p.m.
1 31 on the forty=sixth day before the election. If there are
1 32 vacancies in county offices to be filled at the special
1 33 election, candidates shall file their nomination papers with
1 34 the commissioner not later than five p.m. on the forty=
1 35 seventh day before the election. Candidates for city offices
2 1 to be filled at the special election shall file their
2 2 nomination papers with the city clerk pursuant to the
2 3 appropriate election calendar for the city.
2 4 Sec. 4. Section 69.12, subsection 1, paragraph a,
2 5 subparagraph (4), Code 2007, is amended by striking the
2 6 subparagraph.
2 7 Sec. 5. Section 99F.7, subsection 11, paragraph a, Code
2 8 2007, is amended to read as follows:
2 9 a. A license to conduct gambling games on an excursion
2 10 gambling boat in a county shall be issued only if the county
2 11 electorate approves the conduct of the gambling games as
2 12 provided in this subsection. The board of supervisors, upon
2 13 receipt of a valid petition meeting the requirements of
2 14 section 331.306, shall direct the commissioner of elections to
2 15 submit to the registered voters of the county a proposition to
2 16 approve or disapprove the conduct of gambling games on an
2 17 excursion gambling boat in the county. The proposition shall
2 18 be submitted ~~at a general election or~~ at a special election
2 19 ~~called for that purpose held on a date specified in section~~

2 20 39.2, subsection 4, paragraph "a". To be submitted at a
2 21 general election, the petition must be received by the board
2 22 of supervisors at least five working days before the last day
2 23 for candidates for county offices to file nomination papers
2 24 for the general election pursuant to section 44.4. If a
2 25 majority of the county voters voting on the proposition favor
2 26 the conduct of gambling games, the commission may issue one or
2 27 more licenses as provided in this chapter. If a majority of
2 28 the county voters voting on the proposition do not favor the
2 29 conduct of gambling games, a license to conduct gambling games
2 30 in the county shall not be issued.

2 31 Sec. 6. Section 99F.7, subsection 11, paragraph c, Code
2 32 2007, is amended to read as follows:

2 33 c. If a licensee of a pari-mutuel racetrack who held a
2 34 valid license issued under chapter 99D as of January 1, 1994,
2 35 requests a license to operate gambling games as provided in
3 1 this chapter, the board of supervisors of a county in which
3 2 the licensee of a pari-mutuel racetrack requests a license to
3 3 operate gambling games shall submit to the county electorate a
3 4 proposition to approve or disapprove the operation of gambling
3 5 games at pari-mutuel racetracks at a special election ~~at the~~
3 6 ~~earliest practicable time held on a date specified in section~~
3 7 ~~39.2, subsection 4, paragraph "a".~~ If the operation of
3 8 gambling games at the pari-mutuel racetrack is not approved by
3 9 a majority of the county electorate voting on the proposition
3 10 at the election, the commission shall not issue a license to
3 11 operate gambling games at the racetrack.

3 12 Sec. 7. Section 145A.7, Code 2007, is amended to read as
3 13 follows:

3 14 145A.7 SPECIAL ELECTION.

3 15 When a protesting petition is received, the officials
3 16 receiving the petition shall call a special election of all
3 17 registered voters of that political subdivision ~~for the~~
3 18 ~~purpose upon the question~~ of approving or rejecting the order
3 19 setting out the proposed merger plan. The election shall be
3 20 held on a date specified in section 39.2, subsection 4,

3 21 paragraph "a" or "b", as applicable. The vote will be taken
3 22 by ballot in the form provided by sections 49.43 to 49.47, and
3 23 the election shall be initiated and held as provided in
3 24 chapter 49. A majority vote of those registered voters voting
3 25 at ~~said the~~ special election shall be sufficient to approve
3 26 the order and thus include the political subdivision within
3 27 the merged area.

3 28 Sec. 8. Section 257.18, subsection 1, Code 2007, is
3 29 amended to read as follows:

3 30 1. An instructional support program that provides
3 31 additional funding for school districts is established. A
3 32 board of directors that wishes to consider participating in
3 33 the instructional support program shall hold a public hearing
3 34 on the question of participation. The board shall set forth
3 35 its proposal, including the method that will be used to fund
4 1 the program, in a resolution and shall publish the notice of
4 2 the time and place of a public hearing on the resolution.
4 3 Notice of the time and place of the public hearing shall be
4 4 published not less than ten nor more than twenty days before
4 5 the public hearing in a newspaper which is a newspaper of
4 6 general circulation in the school district. At the hearing,
4 7 or no later than thirty days after the date of the hearing,
4 8 the board shall take action to adopt a resolution to
4 9 participate in the instructional support program for a period
4 10 not exceeding five years or to direct the county commissioner
4 11 of elections to submit the question of participation in the
4 12 program for a period not exceeding ten years to the registered
4 13 voters of the school district at the next regular school
4 14 election ~~or at a special election.~~ If the board submits the
4 15 question at an election and a majority of those voting on the
4 16 question favors participation in the program, the board shall
4 17 adopt a resolution to participate and certify the results of
4 18 the election to the department of management.

4 19 Sec. 9. Section 257.18, subsection 2, unnumbered paragraph
4 20 1, Code 2007, is amended to read as follows:

4 21 If the board does not provide for an election and adopts a
4 22 resolution to participate in the instructional support
4 23 program, the district shall participate in the instructional
4 24 support program unless within twenty-eight days following the
4 25 action of the board, the secretary of the board receives a
4 26 petition containing the required number of signatures, asking
4 27 that ~~an election be called the question~~ to approve or
4 28 disapprove the action of the board in adopting the
4 29 instructional support program be submitted to the voters of
4 30 the school district. The petition must be signed by eligible

4 31 electors equal in number to not less than one hundred or
4 32 thirty percent of the number of voters at the last preceding
4 33 regular school election, whichever is greater. The board
4 34 shall either rescind its action or direct the county
4 35 commissioner of elections to submit the question to the
5 1 registered voters of the school district at the next following
5 2 regular school election ~~or a special election~~. If a majority
5 3 of those voting on the question at the election favors
5 4 disapproval of the action of the board, the district shall not
5 5 participate in the instructional support program. If a
5 6 majority of those voting on the question favors approval of
5 7 the action, the board shall certify the results of the
5 8 election to the department of management and the district
5 9 shall participate in the program.

5 10 Sec. 10. Section 257.29, unnumbered paragraph 1, Code
5 11 2007, is amended to read as follows:

5 12 An educational improvement program is established to
5 13 provide additional funding for school districts in which the
5 14 regular program district cost per pupil for a budget year is
5 15 one hundred ten percent of the regular program state cost per
5 16 pupil for the budget year and which have approved the use of
5 17 the instructional support program established in section
5 18 257.18. A board of directors that wishes to consider
5 19 participating in the educational improvement program shall
5 20 hold a hearing on the question of participation and the
5 21 maximum percent of the regular program district cost of the
5 22 district that will be used. The hearing shall be held in the
5 23 manner provided in section 257.18 for the instructional
5 24 support program. Following the hearing, the board may direct
5 25 the county commissioner of elections to submit the question to
5 26 the registered voters of the school district at the next
5 27 following regular school election ~~or a special election held~~
~~5 28 not later than the following February 1~~. If a majority of
5 29 those voting on the question favors participation in the
5 30 program, the board shall adopt a resolution to participate and
5 31 shall certify the results of the election to the department of
5 32 management and the district shall participate in the program.
5 33 If a majority of those voting on the question does not favor
5 34 participation, the district shall not participate in the
5 35 program.

6 1 Sec. 11. Section 257.29, unnumbered paragraph 5, Code
6 2 2007, is amended to read as follows:

6 3 Once approved at an election, the authority of the board to
6 4 use the educational improvement program shall continue until
6 5 the board votes to rescind the educational improvement program
6 6 or the voters of the school district by majority vote order
6 7 the discontinuance of the program. The board shall ~~call an~~
~~6 8 election to vote on submit at the next regular school election~~
6 9 the proposition whether to discontinue the program upon the
6 10 receipt of a petition signed by not less than one hundred
6 11 eligible electors or thirty percent of the number of electors
6 12 voting at the last preceding school election, whichever is
6 13 greater.

6 14 Sec. 12. Section 260C.28, subsection 3, Code 2007, is
6 15 amended to read as follows:

6 16 3. If the board of directors wishes to certify for a levy
6 17 under subsection 2, the board shall direct the county
6 18 commissioner of elections to ~~call an election to~~ submit the
6 19 question of such authorization for the board at ~~a~~ the regular
6 20 ~~or special school~~ election. If a majority of those voting on
6 21 the question at the election favors authorization of the board
6 22 to make such a levy, the board may certify for a levy as
6 23 provided under subsection 2 during each of the ten years
6 24 following the election. If a majority of those voting on the
6 25 question at the election does not favor authorization of the
6 26 board to make a levy under subsection 2, the board ~~shall not~~
6 27 ~~may~~ submit the question to the voters again ~~until three~~
~~6 28 hundred fifty-five days have elapsed from the at the next~~
6 29 ~~following regular school~~ election.

6 30 Sec. 13. Section 260C.39, unnumbered paragraph 1, Code
6 31 2007, is amended to read as follows:

6 32 Any merged area may combine with any adjacent merged area
6 33 after a favorable vote by the electors of each of the areas
6 34 involved. If the boards of directors of two or more merged
6 35 areas agree to a combination, the question shall be submitted
7 1 to the electors of each area at ~~a special~~ the regular school
7 2 ~~election to be held on the same day in each area~~. ~~The special~~
~~7 3 election shall not be held within thirty days of any general~~
~~7 4 election~~. Prior to the ~~special~~ election, the board of each
7 5 merged area shall notify the county commissioner of elections
7 6 of the county in which the greatest proportion of the merged

7 7 area's taxable base is located who shall publish notice of the
7 8 ~~election question~~ according to section 49.53. ~~The two~~
7 9 ~~respective county commissioners of elections shall conduct the~~
7 10 ~~election pursuant to the provisions of chapters 39 to 53. The~~
7 11 ~~votes cast in the election shall be canvassed by the county~~
7 12 ~~board of supervisors and the county commissioners commissioner~~
7 13 ~~of elections who conducted the election of each county in the~~
7 14 ~~merged areas shall certify the results to the board of~~
7 15 directors of each merged area.

7 16 Sec. 14. Section 275.18, Code 2007, is amended to read as
7 17 follows:

7 18 275.18 ~~SPECIAL~~ ELECTION CALLED == TIME.

7 19 When the boundaries of the territory to be included in a
7 20 proposed school corporation and the number and method of the
7 21 election of the school directors of the proposed school
7 22 corporation have been determined as provided in this chapter,
7 23 the area education agency administrator with whom the petition
7 24 is filed shall give written notice of the ~~proposed date of the~~
7 25 ~~election question~~ to the county commissioner of elections of
7 26 the county in the proposed school corporation which has the
7 27 greatest taxable base. ~~The proposed date shall be as soon as~~
7 28 ~~possible pursuant to section 39.2, subsections 1 and 2, and~~
7 29 ~~section 47.6, subsections 1 and 2, but not later than November~~
7 30 ~~30 of question shall be submitted to the voters at the regular~~
7 31 ~~school election held in the calendar year prior to the~~
7 32 calendar year in which the reorganization will take effect.

7 33 The county commissioner of elections shall give notice of
7 34 the ~~election question~~ by one publication in the same newspaper
7 35 in which previous notices have been published regarding the
8 1 proposed school reorganization, and in addition, if more than
8 2 one county is involved, by one publication in a legal
8 3 newspaper in each county other than that of the first
8 4 publication. The publication shall be not less than four nor
8 5 more than twenty days prior to the election. If the decision
8 6 published pursuant to section 275.15 or 275.16 includes a
8 7 description of the proposed school corporation and a
8 8 description of the director districts, if any, the notice for
8 9 ~~election the question~~ and the ballot do not need to include
8 10 these descriptions. ~~Notice for an election of the question~~
8 11 shall not be published until the expiration of time for
8 12 appeal, which shall be the same as that provided in section
8 13 275.15 or 275.16, whichever is applicable; and if there is an
8 14 appeal, not until the appeal has been disposed of.

8 15 The area education agency administrator shall furnish to
8 16 the commissioner a map of the proposed reorganized area which
8 17 must be approved by the commissioner as suitable for posting.
8 18 The map shall be displayed prominently in at least four places
8 19 within the voting precinct, and inside each voting booth, or
8 20 on the left-hand side inside the curtain of each voting
8 21 machine.

8 22 Sec. 15. Section 275.22, Code 2007, is amended to read as
8 23 follows:

8 24 275.22 CANVASS AND RETURN.

8 25 ~~The precinct election officials shall count the ballots,~~
8 26 ~~and make return to and deposit the ballots with the county~~
8 27 ~~commissioner of elections, who shall enter the return of~~
8 28 ~~record in the commissioner's office. The election tally~~
8 29 lists, including absentee ballots, shall be listed by
8 30 individual school district. The county commissioner of
8 31 elections shall certify the results of the election to the
8 32 area education agency administrator. If the majority of the
8 33 votes cast by the registered voters is in favor of the
8 34 proposition, as provided in section 275.20, a new school
8 35 corporation shall be organized. If the majority of votes cast
9 1 is opposed to the proposition, a new petition describing the
9 2 identical or similar boundaries shall not be filed for at
9 3 least six months from the date of the election. If territory
9 4 is excluded from the reorganized district, action pursuant to
9 5 section 274.37 shall be taken prior to the effective date of
9 6 reorganization. The secretary of the new school corporation
9 7 shall file a written description of the boundaries as provided
9 8 in section 274.4.

9 9 Sec. 16. Section 275.23A, subsection 2, Code 2007, is
9 10 amended to read as follows:

9 11 2. Following each federal decennial census the school
9 12 board shall determine whether the existing director district
9 13 boundaries meet the standards in subsection 1 according to the
9 14 most recent federal decennial census. In addition to the
9 15 authority granted to voters to change the number of directors
9 16 or method of election as provided in sections 275.35, 275.36,
9 17 and 278.1, the board of directors of a school district may,

9 18 following a federal decennial census, by resolution and in
9 19 accordance with this section, authorize a change in the method
9 20 of election as set forth in section 275.12, subsection 2, or a
9 21 change to either five or seven directors after the board
9 22 conducts a hearing on the resolution. If the board proposes
9 23 to change the number of directors from seven to five
9 24 directors, the resolution shall include a plan for reducing
9 25 the number of directors. If the board proposes to increase
9 26 the number of directors to seven directors, two directors
9 27 shall be added according to the procedure described in section
9 28 277.23, subsection 2. If necessary, the board of directors
9 29 shall redraw the director district boundaries. The director
9 30 district boundaries shall be described in the resolution
9 31 adopted by the school board. The resolution shall be adopted
9 32 no earlier than November 15 of the year immediately following
9 33 the year in which the federal decennial census is taken nor
9 34 later than May 15 of the second year immediately following the
9 35 year in which the federal decennial census is taken. A copy

10 1 of the plan shall be filed with the area education agency
10 2 administrator of the area education agency in which the
10 3 school's electors reside. If the board does not provide for
10 4 an election as provided in sections 275.35, 275.36, and 278.1
10 5 and adopts a resolution to change the number of directors or
10 6 method of election in accordance with this subsection, the
10 7 district shall change the number of directors or method of
10 8 election as provided unless, within twenty-eight days
10 9 following the action of the board, the secretary of the board
10 10 receives a petition containing the required number of
10 11 signatures, asking that an election be called to approve or
10 12 disapprove the action of the board in adopting the resolution.
10 13 The petition must be signed by eligible electors equal in
10 14 number to not less than one hundred or thirty percent of the
10 15 number of voters at the last preceding regular school
10 16 election, whichever is greater. The board shall either
10 17 rescind its action or direct the county commissioner of
10 18 elections to submit the question to the registered voters of
10 19 the school district at the next following regular school
10 20 election ~~or a special election~~. If a majority of those voting
10 21 on the question at the election favors disapproval of the
10 22 action of the board, the district shall not change the number
10 23 of directors or method of election. If a majority of those
10 24 voting on the question does not favor disapproval of the
10 25 action, the board shall certify the results of the election to
10 26 the department of management and the district shall change the
10 27 number of directors or method of election as provided in this
10 28 subsection. At the expiration of the twenty-eight-day period,
10 29 if no petition is filed, the board shall certify its action to
10 30 the department of management and the district shall change the
10 31 number of directors or method of election as provided in this
10 32 subsection.

10 33 Sec. 17. Section 275.24, Code 2007, is amended to read as
10 34 follows:

10 35 275.24 EFFECTIVE DATE OF CHANGE.

11 1 When a school district is enlarged, reorganized, or changes
11 2 its boundary pursuant to sections 275.12 to 275.22, the change
11 3 shall take effect on July 1 following the date of the
11 4 reorganization election held pursuant to section 275.18 ~~if the~~
~~11 5 election was held by the prior November 30. Otherwise the~~
~~11 6 change shall take effect on July 1 one year later.~~

11 7 Sec. 18. Section 275.27, Code 2007, is amended to read as
11 8 follows:

11 9 275.27 COMMUNITY SCHOOL DISTRICTS == PART OF AREA
11 10 EDUCATION AGENCY.

11 11 School districts created or enlarged under this chapter are
11 12 community school districts and are part of the area education
11 13 agency in which the greatest number of registered voters of
11 14 the district reside at the time of the ~~special election called~~
~~11 15 for~~ in section 275.18, and sections of the Code applicable to
11 16 the common schools generally are applicable to these districts
11 17 in addition to the powers and privileges conferred by this
11 18 chapter. If a school district, created or enlarged under this
11 19 chapter and assigned to an area education agency under this
11 20 section, can demonstrate that students in the district were
11 21 utilizing a service or program prior to the formation of the
11 22 new or enlarged district that is unavailable from the area
11 23 education agency to which the new or enlarged district is
11 24 assigned, the district may be reassigned to the area education
11 25 agency which formerly provided the service or program, upon an
11 26 affirmative majority vote of the boards of the affected area
11 27 education agencies to permit the change.

11 28 Sec. 19. Section 275.35, unnumbered paragraph 1, Code

11 29 2007, is amended to read as follows:

11 30 Any existing or hereafter created or enlarged school
11 31 district may change the number of directors to either five or
11 32 seven and may also change its method of election of school
11 33 directors to any method authorized by section 275.12 by
11 34 submission of a proposal, stating the proposed new method of
11 35 election, by the school board of such district to the electors
12 1 at any regular ~~or special~~ school election. The school board
12 2 shall notify the county commissioner of elections who shall
12 3 publish notice of the ~~election proposal~~ in the manner provided
12 4 in section 49.53. ~~The election shall be conducted pursuant to~~
~~12 5 chapters 39 to 53 by the county commissioner of elections.~~
12 6 Such proposal shall be adopted if it is approved by a majority
12 7 of the votes cast on the proposition.

12 8 Sec. 20. Section 275.36, unnumbered paragraph 1, Code
12 9 2007, is amended to read as follows:

12 10 If a petition for a change in the number of directors or in
12 11 the method of election of school directors is filed with the
12 12 school board of a school district pursuant to the requirements
12 13 of section 278.2, the school board shall submit such
12 14 proposition to the voters at the regular school election ~~or a~~
~~12 15 special election held not later than February 1.~~ The petition
12 16 shall be accompanied by an affidavit as required by section
12 17 275.13. If a proposition for a change in the number of
12 18 directors or in the method of election of school directors
12 19 submitted to the voters under this section is rejected, it
12 20 shall not be resubmitted to the voters of the district in
12 21 substantially the same form within the next three years; if it
12 22 is approved, no other proposal may be submitted to the voters
12 23 of the district under this section within the next six years.

12 24 Sec. 21. Section 275.38, Code 2007, is amended to read as
12 25 follows:

12 26 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

12 27 If change in the method of election of school directors is
12 28 approved at a ~~regular or special school~~ election, the
12 29 directors who were serving unexpired terms or were elected
12 30 concurrently with approval of the change of method shall serve
12 31 out the terms for which they were elected. If the plan
12 32 adopted is that described in section 275.12, subsection 2,
12 33 paragraph "~~b, "c, "d, or "e," "b, "c, "d, or "e,"~~ the
12 34 board shall at the earliest practicable time designate the
12 35 districts from which residents are to be elected as school
13 1 directors at each of the next three succeeding annual school
13 2 elections, arranging so far as possible for elections of
13 3 directors as residents of the respective districts to coincide
13 4 with the expiration of terms of incumbent members residing in
13 5 those districts. If an increase in the size of the board from
13 6 five to seven members is approved concurrently with the change
13 7 in method of election of directors, the board shall make the
13 8 necessary adjustment in the manner prescribed in section
13 9 275.37, as well as providing for implementation of the
13 10 districting plan under this section.

13 11 Sec. 22. Section 275.55, unnumbered paragraphs 1 and 2,
13 12 Code 2007, are amended to read as follows:

13 13 The board of the school district shall ~~call a special~~
~~13 14 election to be held not later than forty days~~ submit the
~~13 15 proposition to the voters at the next regular school election~~
13 16 following the date of the final hearing on the dissolution
13 17 proposal. ~~The special election may be held at the same time~~
~~13 18 as the regular school election.~~ The proposition submitted to
13 19 the voters residing in the school district ~~at the special~~
~~13 20 election~~ shall describe each separate area to be attached to a
13 21 contiguous school district and shall name the school district
13 22 to which it will be attached. In addition to the description,
13 23 a map may be included in the summary of the question on the
13 24 ballot.

13 25 ~~The board shall give written notice of the proposed date of~~
~~13 26 the election to the county commissioner of elections. The~~
~~13 27 proposed date shall be pursuant to section 39.2, subsections 1~~
~~13 28 and 2 and section 47.6, subsections 1 and 2.~~ The county
13 29 commissioner of elections shall give notice of ~~that the~~
13 30 ~~election proposition will be submitted at the regular school~~
~~13 31 election~~ by one publication in the same newspaper in which the
13 32 previous notice was published about the hearing, which
13 33 publication shall not be less than four nor more than twenty
13 34 days prior to the election.

13 35 Sec. 23. Section 277.2, Code 2007, is amended by striking
14 1 the section and inserting in lieu therefore the following:

14 2 277.2 SPECIAL ELECTIONS ON PUBLIC MEASURES.

14 3 Unless otherwise stated, the date of a special election on
14 4 a public measure authorized to be held by a school district is

14 5 limited to the date of the regular school election.
14 6 Sec. 24. Section 278.1, unnumbered paragraph 2, Code 2007,
14 7 is amended to read as follows:
14 8 The board may, with approval of sixty percent of the
14 9 voters, voting in a regular ~~or special~~ election in the school
14 10 district, make extended time contracts not to exceed twenty
14 11 years in duration for rental of buildings to supplement
14 12 existing schoolhouse facilities; and where it is deemed
14 13 advisable for buildings to be constructed or placed on real
14 14 estate owned by the school district, these contracts may
14 15 include lease-purchase option agreements, the amounts to be
14 16 paid out of the physical plant and equipment levy fund.

14 17 Sec. 25. Section 279.39, Code 2007, is amended to read as
14 18 follows:

14 19 279.39 SCHOOL BUILDINGS.

14 20 The board of any school corporation shall establish
14 21 attendance centers and provide suitable buildings for each
14 22 school in the district and may at the regular or a special
14 23 meeting ~~call a special election~~ resolve to submit to the
14 24 registered voters of the district at the next regular school
14 25 election the question of voting a tax or authorizing the board
14 26 to issue bonds, or both.

14 27 Sec. 26. Section 297.11, Code 2007, is amended to read as
14 28 follows:

14 29 297.11 USE FORBIDDEN.

14 30 If ~~at any time~~ the voters of such district at a regular
14 31 election forbid such use of any such schoolhouse or grounds,
14 32 the board shall not ~~thereafter~~ permit such use until the ~~said~~
14 33 action of such voters ~~shall have been~~ is rescinded by the
14 34 voters at a regular election, ~~or at a special election called~~
14 35 ~~for that purpose.~~

15 1 Sec. 27. Section 298.9, Code 2007, is amended to read as
15 2 follows:

15 3 298.9 SPECIAL LEVIES.

15 4 If the voter-approved physical plant and equipment levy,
15 5 consisting solely of a physical plant and equipment property
15 6 tax levy, is voted at a ~~special~~ an election and certified to
15 7 the board of supervisors after the regular levy is made, the
15 8 board shall at its next regular meeting levy the tax and cause
15 9 it to be entered upon the tax list to be collected as other
15 10 school taxes. ~~If the certification is filed prior to May 1,~~
15 11 ~~the annual levy shall begin with the tax levy of the year of~~
15 12 ~~filing. If the certification is filed after May 1 in a year,~~
15 13 ~~the~~ The levy shall begin with the levy of the fiscal year
15 14 succeeding the year of the filing of the certification.

15 15 Sec. 28. Section 298.18, unnumbered paragraph 4, Code
15 16 2007, is amended to read as follows:

15 17 The amount estimated and certified to apply on principal
15 18 and interest for any one year may exceed two dollars and
15 19 seventy cents per thousand dollars of assessed value by the
15 20 amount approved by the voters of the school corporation, but
15 21 not exceeding four dollars and five cents per thousand of the
15 22 assessed value of the taxable property within any school
15 23 corporation, provided that the registered voters of such
15 24 school corporation have first approved such increased amount
15 25 at a ~~special election, which may be held at the same time as~~
15 26 the regular school election. The proposition submitted to the
15 27 voters at such ~~special~~ election shall be in substantially the
15 28 following form:

15 29 Sec. 29. Section 298.18, unnumbered paragraph 6, Code
15 30 2007, is amended to read as follows:

15 31 Notice of the election shall be given by the county
15 32 commissioner of elections according to section 49.53. ~~The~~
15 33 ~~election shall be held on a date not less than four nor more~~
15 34 ~~than twenty days after the last publication of the notice. At~~
15 35 ~~such election the ballot used for the submission of said~~
16 1 ~~proposition shall be in substantially the form for submitting~~
16 2 ~~special questions at general elections. The county~~
16 3 commissioner of elections shall ~~conduct the election pursuant~~
16 4 ~~to the provisions of chapters 39 to 53 and~~ certify the results
16 5 to the board of directors. ~~Such~~ The proposition shall not be
16 6 deemed carried or adopted unless the vote in favor of such
16 7 proposition is equal to at least sixty percent of the total
16 8 vote cast for and against ~~said the~~ said the
16 9 election. Whenever such a proposition has been approved by
16 10 the voters of a school corporation as hereinbefore provided,
16 11 no further approval of the voters of such school corporation
16 12 shall be required as a result of any subsequent change in the
16 13 boundaries of such school corporation.

16 14 Sec. 30. Section 298.18A, subsection 2, Code 2007, is
16 15 amended to read as follows:

16 16 2. The adjustment shall not result in a total amount
16 17 levied in excess of the two dollar and seventy cent per
16 18 thousand dollars of assessed valuation limit provided in
16 19 section 298.18. An adjustment in excess of the two dollar and
16 20 seventy cent per thousand dollars of assessed valuation limit
16 21 shall be subject to the ~~special~~ election provisions for
16 22 increases of up to four dollars and five cents per thousand
16 23 dollars of assessed valuation provisions of section 298.18.

16 24 Sec. 31. Section 298.21, unnumbered paragraph 1, Code
16 25 2007, is amended to read as follows:

16 26 The board of directors of any school corporation when
16 27 authorized by the voters at the regular election ~~or at a~~
~~16 28 special election called for that purpose~~, may issue the
16 29 negotiable, interest-bearing school bonds of ~~said the~~
16 30 corporation for borrowing money for any or all of the
16 31 following purposes:

16 32 Sec. 32. Section 300.2, unnumbered paragraph 1, Code 2007,
16 33 is amended to read as follows:

16 34 The board of directors of a school district may, and upon
16 35 receipt of a petition signed by eligible electors equal in
17 1 number to at least twenty-five percent of the number of voters
17 2 at the last preceding school election, shall, direct the
17 3 county commissioner of elections to submit to the registered
17 4 voters of the school district the question of whether to levy
17 5 a tax of not to exceed thirteen and one-half cents per
17 6 thousand dollars of assessed valuation for public educational
17 7 and recreational activities authorized under this chapter. ~~If~~
~~17 8 at the time of filing the petition, it is more than three~~
~~17 9 months until the next regular school election, the board of~~
~~17 10 directors shall submit the question at a special election~~
~~17 11 within sixty days. Otherwise, the~~ The question shall be
17 12 submitted at the next regular school election.

17 13 Sec. 33. Section 330.17, unnumbered paragraph 1, Code
17 14 2007, is amended to read as follows:

17 15 The council of any city or county which owns or acquires an
17 16 airport may, and upon the council's receipt of a valid
17 17 petition as provided in section 362.4, or receipt of a
17 18 petition by the board of supervisors as provided in section
17 19 331.306 shall, ~~at a regular city election or a general~~
~~17 20 election if one is to be held within seventy-four days from~~
~~17 21 the filing of the petition, or otherwise~~ at a special election
17 22 called for that purpose held on a date specified in section
17 23 39.2, subsection 4, paragraph "a" or "b", as applicable,
17 24 submit to the voters the question as to whether the management
17 25 and control of the airport shall be placed in an airport
17 26 commission. If a majority of the voters favors placing the
17 27 management and control of the airport in an airport
17 28 commission, the commission shall be established as provided in
17 29 this chapter.

17 30 Sec. 34. NEW SECTION. 331.309 SPECIAL ELECTIONS ON
17 31 PUBLIC MEASURES.

17 32 Unless otherwise stated, the dates of special elections on
17 33 public measures authorized in this chapter are limited to
17 34 those specified for counties in section 39.2.

17 35 Sec. 35. Section 346.27, subsection 10, unnumbered
18 1 paragraph 1, Code 2007, is amended to read as follows:

18 2 After the incorporation of an authority, and before the
18 3 sale of any issue of revenue bonds, except refunding bonds,
18 4 the authority shall ~~call an election to decide~~ submit to the
~~18 5 voters~~ the question of whether the authority shall issue and
18 6 sell revenue bonds. The ballot shall state the amount of the
18 7 bonds and the purposes for which the authority is
18 8 incorporated. All registered voters of the county shall be
18 9 entitled to vote on the question. The question may be
18 10 submitted at a ~~general election or at a~~ special election held
~~18 11 on a date specified in section 39.2, subsection 4, paragraph~~
~~18 12 "a" or "b", as applicable.~~ An affirmative vote of a majority
18 13 of the votes cast on the question is required to authorize the
18 14 issuance and sale of revenue bonds.

18 15 Sec. 36. Section 347.13, subsection 12, unnumbered
18 16 paragraph 1, Code 2007, is amended to read as follows:

18 17 Submit to the voters at ~~any regular or a~~ special election
18 18 held on a date specified in section 39.2, subsection 4,
~~18 19 paragraph "a",~~ a proposition to sell or lease any sites and
18 20 buildings, excepting those described in subsection 11 hereof,
18 21 and upon such proposition being carried by a majority of the
18 22 total number of votes cast at such election, may proceed to
18 23 sell such property at either public or private sale, and apply
18 24 the proceeds only for:

18 25 Sec. 37. Section 347.14, subsection 15, unnumbered
18 26 paragraph 1, Code 2007, is amended to read as follows:

18 27 Submit to the voters at a ~~regular or~~ special election held
18 28 on a date specified in section 39.2, subsection 4, paragraph
18 29 "a", a proposition to sell or lease a county public hospital
18 30 for use as a private hospital or as a merged area hospital
18 31 under chapter 145A or to sell or lease a county hospital in
18 32 conjunction with the establishment of a merged area hospital.
18 33 The authorization of the board of hospital trustees submitting
18 34 the proposition may, but is not required to, contain
18 35 conditions which provide for maintaining hospital care within
19 1 the county, for the retention of county public hospital
19 2 employees and staff, and for the continuation of the board of
19 3 trustees for the purpose of carrying out provisions of
19 4 contracts. The property listed in section 347.13, subsection
19 5 11, may be included in the proposition, but the proceeds from
19 6 the property shall be used for the purposes listed in section
19 7 347.13, subsection 12, or for the purpose of providing health
19 8 care for residents of the county. Proceeds from the sale or
19 9 lease of the county hospital or other assets of the board of
19 10 trustees shall not be used for the prepayment of health care
19 11 services for residents of the county with the purchaser or
19 12 lessee of the county hospital or to underwrite the sale or
19 13 lease of the county hospital. The proposition submitted to
19 14 the voters of the county shall not be set forth at length, but
19 15 it shall be in substantially the following form:

19 16 Sec. 38. Section 347.23, unnumbered paragraph 1, Code
19 17 2007, is amended to read as follows:

19 18 Any hospital organized and existing as a city hospital may
19 19 become a county hospital organized and managed as provided for
19 20 in this chapter, upon a proposition for such purpose being
19 21 submitted to and approved by a majority of the electors of
19 22 both the city in which such hospital is located and of the
19 23 county under whose management it is proposed that such
19 24 hospital be placed, ~~at any general or special election called~~
19 25 ~~for such purpose.~~ The proposition shall be placed upon the
19 26 ballot by the board of supervisors when requested by a
19 27 petition signed by eligible electors of the county equal in
19 28 number to five percent of the votes cast for president of the
19 29 United States or governor, as the case may be, at the last
19 30 general election. The proposition ~~may shall~~ be submitted at
19 31 ~~the next general election or at a special election called for~~
19 32 ~~that purpose held on a date specified in section 39.2,~~
19 33 ~~subsection 4, paragraph "a".~~ Upon the approval of the

19 34 proposition the hospital, its assets and liabilities, will
19 35 become the property of the county and this chapter will govern
20 1 its future management. The question shall be submitted in
20 2 substantially the following form: "Shall the municipal
20 3 hospital of, Iowa, be transferred to and become the
20 4 property of, and be managed by the county of, Iowa?"

20 5 Sec. 39. Section 347.23A, subsection 1, Code 2007, is
20 6 amended to read as follows:

20 7 1. A hospital established as a memorial hospital under
20 8 chapter 37 or a county hospital supported by revenue bonds and
20 9 organized under chapter 347A may become, in accordance with
20 10 the provisions of this section, a county hospital organized
20 11 and managed as provided for in this chapter. If the hospital
20 12 is established by a city as a memorial hospital, the city must
20 13 be located in the county which will own and manage the
20 14 hospital. A proposition for the change must be submitted to
20 15 and approved by a majority of the electors of the county which
20 16 will own and manage the hospital as provided for in this
20 17 chapter. In addition, if the hospital is a memorial hospital
20 18 organized by a city under chapter 37, the proposition must
20 19 also be approved by a majority of the electors of that city.
20 20 The proposition ~~may shall~~ be submitted to the electors at ~~any~~
20 21 ~~general or a special election called by the county board of~~
20 22 ~~supervisors for this purpose and held on a date specified in~~
20 23 ~~section 39.2, subsection 4, paragraph "a".~~

20 24 Sec. 40. NEW SECTION. 362.11 SPECIAL ELECTIONS ON PUBLIC
20 25 MEASURES.

20 26 Unless otherwise stated, the dates of special elections on
20 27 public measures authorized in the city code are limited to
20 28 those specified for cities in section 39.2.

20 29 Sec. 41. Section 368.19, unnumbered paragraph 1, Code
20 30 2007, is amended to read as follows:

20 31 The committee shall approve or disapprove the petition or
20 32 plan as amended, within ninety days of the final hearing, and
20 33 shall file its decision for record and promptly notify the
20 34 parties to the proceeding of its decision. If a petition or
20 35 plan is approved, the board shall ~~set a date not less than~~
21 1 ~~thirty days nor more than ninety days after approval for~~
21 2 ~~submit the proposal at a special election on the proposal held~~

21 3 on a date specified in section 39.2, subsection 4, paragraph
21 4 "a" or "b", whichever is applicable, and the county
21 5 commissioner of elections shall conduct the election. In a
21 6 case of incorporation or discontinuance, registered voters of
21 7 the territory or city may vote, and the proposal is authorized
21 8 if a majority of those voting approves it. In a case of
21 9 annexation or severance, registered voters of the territory
21 10 and of the city may vote, and the proposal is authorized if a
21 11 majority of the total number of persons voting approves it.
21 12 In a case of consolidation, registered voters of each city to
21 13 be consolidated may vote, and the proposal is authorized only
21 14 if it receives a favorable majority vote in each city. The
21 15 county commissioner of elections shall publish notice of the
21 16 election as provided in section 49.53 and shall conduct the
21 17 election in the same manner as other special city elections.

21 18 Sec. 42. Section 372.2, subsection 2, unnumbered paragraph
21 19 1, Code 2007, is amended to read as follows:

21 20 Within fifteen days after receiving a valid petition, the
21 21 council shall publish notice of the date that a special city
21 22 election will be held to determine whether the city shall
21 23 change to a different form of government. The election date
21 24 shall be ~~not more than sixty days after the publication as~~
21 25 ~~specified in section 39.2, subsection 4, paragraph "b". If~~
21 26 ~~the next ensuing special election is more than sixty days~~
21 27 ~~after the publication, the council shall publish another~~
21 28 ~~notice fifteen days before the election.~~ The notice shall
21 29 include a statement that the filing of a petition for
21 30 appointment of a home rule charter commission will delay the
21 31 election until after the home rule charter commission has
21 32 filed a proposed charter. Petition requirements and filing
21 33 deadlines shall also be included in the notice.

21 34 Sec. 43. Section 372.3, Code 2007, is amended to read as
21 35 follows:

22 1 372.3 HOME RULE CHARTER.

22 2 If a petition for appointment of a home rule charter
22 3 commission is filed with the city clerk not more than ten days
22 4 after the council has published the first notice announcing
22 5 the date of the special election on adoption of another form
22 6 of government, the special election shall not be held until
22 7 the charter proposed by the home rule charter commission is
22 8 filed. Both forms must be published as provided in section
22 9 372.9 and submitted to the voters at the special election.

22 10 Sec. 44. Section 372.9, subsection 3, Code 2007, is
22 11 amended to read as follows:

22 12 3. The proposed home rule charter must be submitted at a
22 13 special city election on a date ~~selected by the mayor and~~
22 14 ~~council specified in section 39.2, subsection 4, paragraph~~
22 15 ~~"b", and in accordance with section 47.6. However, the date~~
22 16 ~~of the election last publication must be not less than thirty~~
22 17 ~~nor more than sixty days after before the last publication of~~
22 18 ~~the proposed home rule charter election.~~

22 19 Sec. 45. Section 372.13, subsection 11, unnumbered
22 20 paragraph 1, Code 2007, is amended to read as followed:

22 21 Council members shall be elected according to the council
22 22 representation plans under sections 372.4 and 372.5. However,
22 23 the council representation plan may be changed, by petition
22 24 and election, to one of those described in this subsection.
22 25 Upon receipt of a valid petition, as defined in section 362.4,
22 26 requesting a change to a council representation plan, the
22 27 council shall submit the question at a special city election
22 28 ~~to be held within sixty days.~~ If a majority of the persons
22 29 voting at the special election approves the changed plan, it
22 30 becomes effective at the beginning of the term following the
22 31 next regular city election. If a majority does not approve
22 32 the changed plan, the council shall not submit another
22 33 proposal to change a plan to the voters within the next two
22 34 years.

22 35 Sec. 46. Section 376.2, unnumbered paragraph 2, Code 2007,
23 1 is amended to read as follows:

23 2 Except as otherwise provided by state law or the city
23 3 charter, terms for elective offices are two years. However,
23 4 the term of an elective office may be changed to two or four
23 5 years by petition and election. Upon receipt of a valid
23 6 petition as defined in section 362.4, requesting that the term
23 7 of an elective office be changed, the council shall submit the
23 8 question at a special city election ~~to be held within sixty~~
23 9 ~~days after the petition is received. The special election~~
23 10 ~~shall be held more than ninety days before the regular city~~
23 11 ~~election if the change shall go into effect at the next~~
23 12 ~~regular city election.~~ If a majority of the persons voting at
23 13 the special election approves the changed term, it becomes

23 14 effective at the beginning of the term following the next
23 15 regular city election. If a majority does not approve the
23 16 changed term, the council shall not submit the same proposal
23 17 to the voters within the next four years.

23 18 Sec. 47. Section 423B.1, subsection 5, Code 2007, is
23 19 amended to read as follows:

23 20 5. The county commissioner of elections shall submit the
23 21 question of imposition of a local option tax at ~~a state~~
~~23 22 general election or at a special election held at any time~~
~~23 23 other than the time of a city regular election on a date~~
~~23 24 specified in section 39.2, subsection 4, paragraph "a".~~ The
23 25 election shall not be held sooner than sixty days after
23 26 publication of notice of the ballot proposition. The ballot
23 27 proposition shall specify the type and rate of tax and in the
23 28 case of a vehicle tax the classes that will be exempt and in
23 29 the case of a local sales and services tax the date it will be
23 30 imposed which date shall not be earlier than ninety days
23 31 following the election. The ballot proposition shall also
23 32 specify the approximate amount of local option tax revenues
23 33 that will be used for property tax relief and shall contain a
23 34 statement as to the specific purpose or purposes for which the
23 35 revenues shall otherwise be expended. If the county board of
24 1 supervisors decides under subsection 6 to specify a date on
24 2 which the local option sales and services tax shall
24 3 automatically be repealed, the date of the repeal shall also
24 4 be specified on the ballot. The rate of the vehicle tax shall
24 5 be in increments of one dollar per vehicle as set by the
24 6 petition seeking to impose the tax. The rate of a local sales
24 7 and services tax shall not be more than one percent as set by
24 8 the governing body. The state commissioner of elections shall
24 9 establish by rule the form for the ballot proposition which
24 10 form shall be uniform throughout the state.

24 11 Sec. 48. Section 423E.2, subsection 2, paragraph a, Code
24 12 2007, is amended to read as follows:

24 13 a. Upon receipt by a county board of supervisors of a
24 14 petition requesting imposition of a local sales and services
24 15 tax for infrastructure purposes, signed by eligible electors
24 16 of the whole county equal in number to five percent of the
24 17 persons in the whole county who voted at the last preceding
24 18 state general election, the board shall within thirty days
24 19 direct the county commissioner of elections to submit the
24 20 question of imposition of the tax to the registered voters of
24 21 the whole county at a special election held on a date
24 22 specified in section 39.2, subsection 4, paragraph "a".

24 23 Sec. 49. Section 423E.2, subsection 3, Code 2007, is
24 24 amended to read as follows:

24 25 3. The county commissioner of elections shall submit the
24 26 question of imposition of a local sales and services tax for
24 27 school infrastructure purposes at a ~~state general election or~~
~~24 28 at a special election held at any time other than the time of~~
~~24 29 a city regular election on a date specified in section 39.2,~~
~~24 30 subsection 4, paragraph "a".~~ The election shall not be held
24 31 sooner than sixty days after publication of notice of the
24 32 ballot proposition. The ballot proposition shall specify the
24 33 rate of tax, the date the tax will be imposed and repealed,
24 34 and shall contain a statement as to the specific purpose or
24 35 purposes for which the revenues shall be expended. The
25 1 content of the ballot proposition shall be substantially
25 2 similar to the petition of the board of supervisors or motions
25 3 of a school district or school districts requesting the
25 4 election as provided in subsection 2, as applicable, including
25 5 the rate of tax, imposition and repeal ~~date~~ dates, and the
25 6 specific purpose or purposes for which the revenues will be
25 7 expended. The dates for the imposition and repeal of the tax
25 8 shall be as provided in subsection 1. The rate of tax shall
25 9 not be more than one percent. The state commissioner of
25 10 elections shall establish by rule the form for the ballot
25 11 proposition which form shall be uniform throughout the state.

25 12 Sec. 50. APPLICABILITY DATE. This act applies to
25 13 elections held on or after January 1, 2008.

25 14 EXPLANATION

25 15 This bill makes changes relating to the dates that certain
25 16 local government special elections on public measures can be
25 17 held.

25 18 The bill provides that special elections of a county shall
25 19 be held on the day of the general election or on the second
25 20 Tuesday in March. Special elections of a city shall be held
25 21 on the date of the general election or the regular city
25 22 election or on the second Tuesday in March of each year. The
25 23 bill also provides that merged area and school district
25 24 special elections shall be held on the same date as the

25 25 regular school election. The bill applies to elections on
25 26 public measures and not to special elections to elect public
25 27 officers of a school corporation, county, or city.
25 28 The bill amends Code section 47.6 to conform filing
25 29 deadlines to the special election dates, including filing
25 30 deadlines for vacancies in city or county offices.
25 31 The bill amends Code section 69.12 to strike the filing
25 32 deadline for vacancies that occur 40 days before a special
25 33 election.
25 34 The bill does not amend provisions relating to elections
25 35 held for special or benefited districts (Code sections 303.41
26 1 through 303.68 and Code chapters 357 through 358C). The bill
26 2 also does not amend provisions relating to special elections
26 3 which are held at no cost to the city or county. These
26 4 include special elections for designation of an official
26 5 county fair, city franchise elections, and city incorporation
26 6 elections (depending on the outcome of the election).
26 7 The bill applies to elections held on or after January 1,
26 8 2008.
26 9 LSB 1474HH 82
26 10 sc:nh/es/88.1